

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

DEC 17 2021

Nathan Ochsner, Clerk of Court

MICHAEL D. ATKINSON, AND THOSE SIMILARLY	§	
SITUATED,	§	
Petitioner	§	
Vs	§	CIVIL NO. _____
STATE OF TEXAS, HARRIS COUNTY SOR	§	
ENFORCEMENT OFFICERS, et al,	§	
Respondents	§	

**EMERGENCY WRIT OF HABEAS CORPUS SEEKING IMMEDIATE
INJUNCTION AGAINST USE OF ILLEGAL AND CONSTITUTIONALLY
VIOLATE TEXAS LEGISLATED LAW**

TO THE HONORABLE LEE ROSENTHAL, FEDERAL JUDGE:

COMES NOW MICHAEL D ATKINSON, Petitioner pro se, as allowed by the 9th Amendment to the U.S. Constitution, and the ALL WRITS ACT, and files this demand for a Rule 65 Federal Injunction to block and bar the State of Texas and **all** Respondent parties, i.e. Texas Law Enforcement officials, Texas Parole Officials, Federal agents, etc., from applying and/or enforcing Texas's Sex Offender Registration (hereinafter SOR) Law where said Law is both a **RETROACTIVE** Law, an **Ex Post Facto Law**, and a **Bill of Attainder**, **[ALL]** strictly prohibited and **barred** by the U.S. Constitution, Art. 1, §9, cl. 3, and, the Texas Constitution, Art. 1, §16, by way of the umbrella of the 14th Amendment and numerous SCOTUS and Federal Court decisions.

At present said Law is being challenged in the 126th district Court in Travis County, Texas, yet with several State Injunctions being properly filed over the years, in violation of the State Judicial Canons, specifically Canon 3(b)(9) and Canon 10, the State Judges have failed to act properly in this matter and enter **any** Injunction against the illicit and illegal actions of the Respondent parties, thus showing favoritism and an action that can only be construed as a RICO Act violation, a Federal criminal offense.

At its inception, the Texas Legislature, most being Bar licensed attorneys that had gone into the political field, intentionally enacted the SOR Law **“Retroactively”** knowing full well the Law was illegal, that violated both the Federal and State Constitution, and did so in this manner in the event the SOR Law was ever applied to them. By doing so the Legislature intentionally placed a “loop hole” in the Law they could apply to their situation if ever so arrested, yet by so doing has violated the Civil Rights of hundreds of thousands of individuals by retroactively having the SOR Law applied back to 1970, thus acting on alleged illegal acts [occurring **before** its enactment], and action totally **prohibited** by the U.S. and Texas Constitutions. *Carmell v. Texas*, 529 U.S. 513, 120 S.Ct. 1620 (2000); *Lynce v. Mathis*, 519 U.S. 433, 441 n. 13, 117 S.Ct. 891 (1997); *U.S. v. Williams*, 504 U.S. 36, 112 S.Ct. 1735 (1992); *Collins v. Youngblood*, 497 U.S. 37, 46, 110 S.Ct. 2715, 2781 (1990).

For the Court information, though **not** being listed in the Texas Penal Code as an offense, an action that would run afoul of the U.S.C. Art. 1, §9, cl. 3 (Neither the U.S. Congress nor any State may enact an Ex Post Facto Law, i.e., Retroactive Law with a penal legislation attached), the State of Texas has convicted (Penal action) numerous individuals for violation of the illegal SOR Law that [**is not listed as a Penal violation**](emphasis added) in direct violation of numerous SCOTUS decisions. Said SOR Law can be found in the Texas Government Code, a **Civil** law section of the Texas Codes, yet though being informed of the illegality of the Law, many Texas Judges, and the Texas Attorney General(s) present and past, have failed to take corrective action, thus making for a Federal RICO Act violation for “influenced corruption” that demands a Federal investigation by the U.S. DOJ. Federal Injunction is requested on an emergency basis to curtail the illegal actions the State Courts **refuse** to act on thus committing Judicial Canons violations. These illegal acts have got to be stopped.

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and **not** merely from the date of the decision so branding it. "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." 16 Am Jur 2d, Sect. 177, late 2d, Sect. 256. "Where rights secured by the Constitution(s) are involved, there can be **no** rule making or legislation which would abrogate them." *Miranda v. Arizona*, 384 U.S. 436, 491, 86 S.Ct. 1602 (1966). Yet Texas has done exactly that and is intentionally and knowing ignoring the Constitutional violations, both U.S. and State, with impunity due to the Courts turning a blind eye to justice. How long will the State Judicial and Law Enforcement agencies be allowed to continue these violations. Suit has already been initiated in this matter, yet **still** the Texas State Judicial system allows the violation to continue. What is it going to take to make the State officials be held accountable for their actions, some being criminal in nature due to the SCOTUS opinion of **no corrective action being taken** once said officials were informed of the violation years ago. How corrupt can one State's officials become before Judicial notice is taken?

Petitioner is being harmed daily because of this illegal law being applied to him even though being charged with a victimless crime. An unconstitutional act **is not a law**; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed. *Norton v. Shelby County*, 118 U.S. 425 (1886). To have the Judicial system act on the illegal law as a Penal violation even though the law is set in the Government Code, **not the Penal Code**, and to illegally imprison individuals over said "law" is in itself a crime of kidnapping by those involved. Any first year Law student can recognize this let alone someone who has studied law for over 35 years. This illegal holding to and enforcing an illegally enacted law constitutes a RICO Act violation for violation of Civil Rights by all State officials and law enforcement agencies, employees and representative who are fully ignorant of law. As the old adage goes, "Ignorance of the law is no excuse." So when are the Courts going to start upholding and enforcing the Constitutions? How long will corruption prevail?


REQUEST FOR RELIEF

Petitioner now brings this matter before this Honorable Court seeking true justice be administered, that a State-wide Injunction be Ordered immediately until such time as the issue has been decided by the jurors in this matter in Civil action D-1-GN-16-002392 filed in Travis County, Texas; that **ANY AND ALL** such persons enforcing the illegally enacted SOR Law be ordered to cease and desist post-haste in any and all matters relative to this illegal act, specifically Registration, of Legislation to include, but not limited to, **ALL** law enforcement agencies, SOR officers of any State, County, Federal agency or contract personnel, polygraphers and/or counselors in regards to SOR, to included agents of the Texas Attorney General's Office, the Texas Fugitive Talk Force, and any contract employees by the State for the soul purpose of arresting and/or illegally detaining Petitioner and those similarly situated.

Petitioner would further request of the Honorable Court to have said Injunctive Order be electronically messaged and served on all law parties herein stipulated, mentioned or alluded to in this Writ immediately upon the Honorable Judge's decision, and that all violators brought to the attention of the Court Order by immediately detained by the Office of the U.S. Marshals for contempt of said Order and Federal charges be initiated forthwith.

Petitioner would allow that any other relief be so Ordered that is applicable that he is not aware of as being a layman at law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MDA', is written over a horizontal line. To the left of the signature, the letters 's/' are handwritten.

Michael D. Atkinson, Petitioner Pro Se

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